



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

MAR 10 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Article number: 7015 1520 0003 0792 0251

Joanne Colabella, EHS Manager
AGFA Corporation
50 Meister Avenue
Somerville, NJ 08876

Re: Notice of Violation/ RCRA § 3007 Information Request
AGFA Corporation
EPA ID#: NJR000009050

Dear Ms. Collabella:

The United States Environmental Protection Agency (EPA) is charged with the protection of health and the environment under Section 3008 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984, 42 U.S.C. § § 6901, 6928.

On or about November 4, 2015, a duly authorized representative of EPA conducted an inspection of AGFA Corporation located at 50 Meister Avenue, Somerville, NJ 08876 pursuant to § 3007 of RCRA, 42 U.S.C. § 6927. During the inspection, violations of RCRA were observed.

This letter consists of (1) a Notice of Violation which addresses violations of the RCRA requirements determined by EPA during its inspection of the facility; and (2) a request for additional information pertaining to the management of hazardous waste at the facility.

The Notice of Violation is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by the HSWA and RCRA, 42 U.S.C. § 6928. Issuance of this Notice of Violation and compliance with its terms do not preclude EPA from taking any other formal enforcement action against you and/or your company under Section 3008 of RCRA, 42 U.S.C. § 6928, or any other applicable regulation or statute. If you have not already done so, you must take immediate action to correct the violations described in the Notice of Violation. Please submit, within thirty (30) calendar days of the receipt of this Notice of Violation, a response which includes a description of the actions you have taken to correct the noted violations in Enclosure I and any documentation necessary to demonstrate that the violations have been corrected.

Failure to respond to the Notice of Violation may subject you and/or your company to the enforcement provisions of Section 3008 of RCRA, 42 U.S.C. § 6928.

The request for information is made pursuant to the provisions of Section 3007, 42 U.S.C. § 6927, which requires that you provide the information requested in Enclosure II to this letter using the instructions and definitions included in Enclosure III. This information is required to evaluate the full regulatory and compliance status of the facility. The information requested in Enclosure II must be submitted no later than thirty (30) calendar days from receipt of this letter.

Requests for additional time to provide the information requested in Enclosure II must be justified and must be made within ten (10) calendar days of receipt of this letter. The response must be signed by a responsible official or agent of your company. Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law, including but not limited to a potential enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. 6928. Please also note that all information you provide may be used in an administrative, civil judicial, or criminal action. This information request is not subject to the requirements of the Paperwork Reduction Act (PRA) as amended, 44 U.S.C. § 3501 *et seq.*

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. This claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential". The claim should set forth the information requested in 40 C.F.R. § 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

The responses to the Notice of Violation and information request in Enclosure II must be mailed to the following addressee:

Abdool Jabar, Environmental Engineer
Hazardous Waste Compliance Section
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection
Agency - Region 2
290 Broadway, 21st floor
New York, New York 10007-1866

If you have any questions regarding this matter, please contact Mr. Abdool Jabar at telephone number (212) 637-4051 or Email jabar.abdool@epa.gov.

Sincerely yours,



for Leonard Voo, Chief
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance

Enclosures

cc: Michael Hastry, Chief
Bureau of Hazardous Waste Compliance and Enforcement
Central Field Office, New Jersey Department of Environmental Protection
300 Horizon Center- PO Box 407
Trenton, NJ 08625-0407

ENCLOSURE I
NOTICE OF VIOLATION

On or about November 4, 2015, a duly authorized representative of the U. S. Environmental Protection Agency (EPA) conducted an inspection of AGFA Corporation located at 50 Meister Avenue, Somerville, NJ 08876 pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927. During the inspection, the EPA inspector noted the following violations of RCRA.

1) (a) Pursuant to 40 C.F.R. § 265.1057 and N.J.A.C. § 7:26G-9.1(a), a facility is required to perform monthly monitoring pursuant to 40 CFR § 265.1063(b) of valves that are in light liquid hazardous waste service.

(b) At the time of the inspection, AGFA indicated it had not performed such monitoring of its valves but did some periodic monitoring of valves over the past 3 years.

(c) AGFA's failure to perform monthly monitoring of its valves as alleged in paragraph "1 (b)" is a violation of 40 C.F.R. § 265.1057 and N.J.A.C. § 7:26G-9.1(a).

2) (a) Pursuant to 40 CFR § 265.1085(c)(4)(ii) and N.J.A.C. § 7:26G-9.1(a), a Level 1 Tank that is used to store organic hazardous waste with a VOC of above 500 p.p.m. must be inspected initially when placed in service and annually thereafter.

(b) At the time of the inspection, AGFA did not perform an initial inspection and annual inspections thereafter for its hazardous waste tank (sump) which was storing organic hazardous waste with a VOC of above 500 p.p.m.

(c) AGFA's failure to perform the inspections as alleged in paragraph "2 (b)" is a violation of 40 C.F.R. § 265.1085(c)(4)(ii) and N.J.A.C. § 7:26G-9.1(a).

3) (a) Pursuant to 40 C.F.R. § 265.31 and N.J.A.C. § 7:26G-9.1(a), a facility must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment.

(b) At the time of the inspection, the facility was storing hazardous waste with a VOC of over 500 p.p.m. in a pit adjacent to the sump and the pit was not covered.

(c) AGFA's failure to maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment as alleged in paragraph "3 (b)" is a violation of 40 C.F.R. § 265.31 and N.J.A.C. § 7:26G-9.1(a).

ENCLOSURE II
REQUEST FOR INFORMATION

A RCRA Compliance Evaluation Inspection of AGFA Corporation located at 50 Meister Avenue, Somerville, NJ 08826 was conducted on November 4, 2015, by an authorized EPA representative.

As of December 6, 1996, pursuant to 40 CFR § 262.34(a)(1)(ii), a generator of hazardous waste that generates 1,000 kilograms or greater of hazardous waste (a large quantity generator) per month and stores its hazardous waste in tanks is subject to applicable requirements of 40 CFR Part 265 Subparts BB and CC. The facility stored hazardous waste in one hazardous waste storage tank, one sump and a pit located at its facility at 50 Meister Avenue, Somerville, NJ 08826. At the time of the EPA inspection, the facility stated that its valves in the process area were exempt from the monitoring requirements of the Subpart BB because they were used for less than 300 hours. Answers to the following questions are requested to confirm the facility's compliance with the RCRA Subpart BB and CC Requirements.

At the time of the inspection, AGFA claimed that the hazardous waste solvent from F-side in the process area were transported by gravity to a sump which was connected to a pit which was uncovered. It is stated that the contents of the sump is periodically pumped to the hazardous waste tank. Whenever there is solvent waste in the sump the fumes would remain in the pipeline and as a result the valves and pumps on the F-side of the process area would be in contact with hazardous waste for more than 300 hours.

1) With respect to the NOV (Enclosure I), please provide a description of the actions taken to correct the violations and documentation (e.g. photographs, SOPs, test results, etc.) verifying that each violation has been corrected.

2) Provide the monthly amounts and type of hazardous waste generated from November 2012 to November 2015.

3) 40 CFR § 265.1064(g) and N.J.A.C. § 7:26G-9.1(a) require that each piece of equipment subject to 40 CFR Part 265 Subpart BB be identified and a list placed in the facility's operating log.

(a) Did your facility make a determination if there was any equipment as defined in 40 CFR § 265.1051 subject to 40 CFR Part 265 Subpart BB that is in contact with hazardous waste with 10 % or more organics?

(b) If yes, please indicate when such a determination was made and provide supporting documentation.

(c) Please provide a list of each piece of equipment (pumps, valves, etc.) subject to 40 CFR Part 265 Subpart BB as required by 40 CFR §265.1064(g) and indicate when each piece of equipment was first identified and included in the facility's operating record.

(d) Please indicate the length of time each piece of equipment included in the list required pursuant to 40 CFR § 265.1064(g), was in operation.

4) Is there any equipment that is used for less than 300 hours and thereby exempt under 40 CFR § 265.1050(e)? If so, indicate the equipment for which the claim is being made, provide documentation to verify such claim for each piece of equipment, and specify the date each determination was made.

5) How many valves do you have that are in contact with hazardous waste containing 10% or more organics and were in light liquid service for more than 300 hours per calendar year as of November 4, 2012? Provide a list of those valves.

6) Were the valves identified in Question #5, above, monitored for leakage pursuant to 40 CFR § 265.1057 for the past three years? If so, when did you start monitoring these valves and how often were these valves monitored? Provide supporting documentation from when you started monitoring, including all the equipment and any records of actual monitoring results and any associated monitoring device calibration records pursuant to 40 CFR § 265.1063(b).

7) Can the facility make the claim that it tested its valves pursuant to Subpart BB using the alternate testing methods under either 40 CFR § 265.1061 or 40 CFR § 265.1062? If so, provide any supporting documentation.

8) How many pumps (with penetrating shafts, i.e., centrifugal, gear type, etc.) do you have that were subject to Subpart BB and were in light liquid service for more than 300 hours per calendar year as of November 4, 2012? Provide a list of those pumps.

9) Were the pumps identified in Question #8, above, inspected for leaks on a weekly (visual) basis and monitored on monthly basis (emissions monitoring device) pursuant to the requirements under 40 CFR § 265.1052. If so, when did you start doing the weekly visual inspections and when were the pumps first monitored monthly (or otherwise) using an emissions monitoring device pursuant to 40 CFR § 265.1063(b). Provide supporting documentation for all inspections, including all and any records, and dates of actual monitoring results and any associated monitoring device calibration records pursuant to 40 CFR § 265.1063(b).

10) How many pumps do you have that are subject to Subpart BB and are in light liquid service for more than 300 hours per year as of No Detectable Emissions (NDE) and are in compliance with the No Detectable Emissions (NDE) standards pursuant to 40 CFR § 265.1052(e)? When were the initial compliance tests done for any such pumps? Were the annual compliance tests done? If so, provide supporting documentation.

11) What is the capacity of the sump?

(a) What is the largest residence of the pump?

(b) How often are the contents of the sump pumped to the hazardous waste tank?

(c) How often is the overflow from the sump stored in the pit?

(d) From what part of the sump does the overflow go into the pit?

(e) How is the pit covered? Is it always covered? (At the time of the inspection it was not covered)

(f) When the pit is covered, are the edges of the pit sealed tight so that there are no emissions.

ENCLOSURE III
INSTRUCTIONS AND DEFINITIONS

AGFA Corporation
50 Meister Avenue
Somerville, NJ 08876

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of AGFA Corporation (facility). The signatory must sign the attached Certification of Answers (Enclosure IV) and return it with the response to this Request for Information.
2. A complete response must be made to each individual question in this Information Request. Identify each answer with the corresponding number listed in Enclosure II.
3. In preparing your response to each question, consult with all present and former employees and agents of the facility who may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number or letter of the question to which it applies.
8. If anything is deleted or redacted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion or redaction.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The facility, for the purposes of this Request for Information, is AGFA Corporation located at 50 Meister Avenue, Somerville, NJ 08876.
11. A *hazardous waste generator* is defined, for the purposes of this Request for Information, as any person (which includes this facility) whose act or process produces hazardous

waste or whose act first causes a hazardous waste to become subject to regulation.

12. *Hazardous waste* is defined, for the purposes of this Request for Information, as it is defined in Section 1004(5) of RCRA, as amended, 42 USC Part 6903(5).
13. *Manage* is defined, for the purposes of this Request for Information, as: to market, generate, treat, store, dispose, or otherwise handle.
14. *Hazardous Constituents* is defined, for the purposes of this Request for Information, as those substances listed in 40 CFR Part 261 Appendix VIII.
15. The term *Solid Waste Management Unit (SWMU)* is defined, for the purposes of this Request for Information, as any landfill, surface impoundment, land application area, waste pile, incinerator, tank, injection well, transfer station, waste recycling operation, tank, or container storage area that currently or formerly was used to manage a solid waste.

ENCLOSURE IV
CERTIFICATION OF ANSWERS

AGFA Corporation
50 Meister Avenue
Somerville, NJ 08876

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Request for Information, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Name (print or type)

SIGNATURE

DATE

TITLE

